



County of Los Angeles CHIEF EXECUTIVE OFFICE

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Chief Executive Officer

April 7, 2011

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From: William T Fujioka
Chief Executive Officer

SACRAMENTO UPDATE

This memorandum contains pursuits of County positions on legislation related to: 1) funding for local public safety programs; 2) healthy food options in vending machines, concessions, and cafeterias located in State buildings; and 3) elimination of funding for Proposition 10 Commissions; updates on five County-advocacy measures regarding: 1) elimination of the Statewide Fingerprint Imaging System; 2) mitigation of concussions and head injuries; 3) open dependency court hearings; 4) reusable bags; and 5) land use; and contains information on County-interest legislation related to renewables portfolio standard.

Pursuit of County Position on Legislation

AB 168 (Gorell), which as introduced on January 20, 2011, would appropriate \$506.4 million from the State General Fund to the Local Safety and Protection Account (LSPA) to fund local public safety programs effective July 1, 2011, for FY 2011-12.

Prior to February 2009, the Local Safety and Protection Account was funded through the State General Fund. However, in February 2009 Governor Schwarzenegger and Legislature enacted legislation shifting funding for the LSPA from the State General Fund to the Vehicle License Fee (VLF) which they temporarily increased by 0.65 percent, directing 0.15 percent to the LSPA. This funding is set to expire on June 30, 2011.

"To Enrich Lives Through Effective And Caring Service"

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The Governor's Realignment Proposal includes a provision to extend the VLF rate increase for an additional five years. The extension requires a two-thirds vote of the Legislature to place an initiative on a Special Election ballot later this year for voter approval. However, as of April 7, 2011, the Governor has not been able to secure the required votes in the Legislature for the ballot initiative.

As reported in the March 28, 2011 Sacramento Update, absent the extension of the existing VLF rate or identification of an alternative revenue source, the County would lose approximately \$135.8 million in funding for the following public safety programs:

- Juvenile Probation Camp Funding - \$71.2 million;
- Citizens Option for Public Safety Program - \$19.9 million;
- Juvenile Justice Crime Prevention Act - \$28.9 million;
- Various public safety program grants - \$14.4 million; and
- Jail Booking Fee Subventions - \$1.4 million.

These potential losses would impact the following County departments:

- The Probation Department indicates that the loss of VLF revenues would result in the closing of up to 12 juvenile camps, the elimination or reduction of several juvenile community-based prevention programs, and the elimination of an estimated 1,022 Probation Department positions.
- The District Attorney's Office indicates that the loss of VLF revenues would equate to approximately \$3.5 million in reduced funding. This would result in a 33.0 percent reduction in attorneys assigned to the Hardcore Gang and Major Narcotics Division and the Elder Abuse Section, which would include 16 deputy district attorney positions and two community prosecutors.
- The Sheriff's Department indicates that the loss of VLF revenues would affect the COPS, Booking Fees, Multi-jurisdictional Methamphetamine Enforcement Team and High Technology Theft Apprehension and Prosecution programs.

Consistent with existing Board policies to: 1) provide full funding for the Juvenile Justice Crime Prevention Act; 2) provide full funding for prevention and intervention programs for youth at risk of becoming involved, or who are currently involved, in the juvenile justice system; and 3) ensure that each county receives annual funding for juvenile probation services in an amount at least equal to the Federal TANF grant funds received by counties in Federal Fiscal Year 1995, **the Sacramento advocates will support AB 168.**

There is no recorded support or opposition on file for AB 168. This measure is awaiting a hearing in the Assembly Public Safety Committee.

The County is also supporting three similar measures to maintain funding for local public safety programs. AB 66 and ABx1 9 (Chesbro) are identical measures which would permanently extend the temporary VLF rate increase. AB 66 is awaiting a hearing in the Assembly Taxation and Revenue Committee, and ABx1 9 is awaiting assignment to a policy committee. AB 192 (Logue) would appropriate \$500.0 million from the State General Fund to fund local public safety programs beginning on July 1, 2011, and each July 1 thereafter, for a period of five years. AB 192 is scheduled for a hearing in the Assembly Taxation and Revenue Committee on May 2, 2011.

AB 727 (Mitchell), which as amended on March 25, 2011, would require the State to provide healthier food options in vending machines, concessions, and cafeterias located in State buildings.

AB 727 would require that at least 50.0 percent of the food and beverages sold in vending machines on State property meet nutritional guidelines established in the by the Federal Department of Health and Human Services, Health and Sustainability Guidelines for Federal Concessions and Vending Operations by January 1, 2014, increasing to 100.0 percent by January 1, 2016. The guidelines would establish standards for the content of fat, sugar, sodium and calories in food and beverage items. AB 727 also would require the State Department of General Services to adopt contracting practices which give preference to contractors and vendors that purchase food that is locally grown, packaged or produced.

The Department of Public Health (DPH) indicates that obesity rates among children and adults have risen at an alarming rate in recent years and have become a major public health concern. In Los Angeles County, nearly one in four children and adults are obese. Increasing access to healthy foods and beverages is a critical policy strategy to help lower rates of obesity and diet-related disease. Governments can play a key role by promoting and increasing the availability of healthy food and beverages. According to DPH, AB 727 would provide healthier food options for thousands of State workers as well as the many citizens who purchase food at State facilities. DPH also notes that the provisions of AB 727 are consistent with the County's healthy food choice options policy and motions recently passed by your Board that direct DPH to provide nutritional recommendations that increase the availability of healthy food and beverages provided by the County's food services vendors.

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The Department of Public Health and this office support AB 727. Therefore, consistent with existing Board policies to support proposals that increase the availability of healthy food choices, reduce the consumption of sugar-sweetened beverages, and enhance healthy eating, **the Sacramento advocates will support AB 727.**

AB 727 is sponsored by the California Pan Ethnic Health Network, and supported by AltaMed, the American Cancer Society Border Sierra Region, California Black Health Network, California Food Project, Consumers Union, and Prevention Institute. There is no registered opposition on file.

This measure is scheduled for a hearing in the Assembly Health Committee on April 12, 2011.

SB 486 (Dutton), as introduced on February 17, 2011, would: 1) abolish the First 5 California and the county First 5 Commissions throughout the State; 2) eliminate the allocation of Proposition 10 funds to the State and county First 5 Commissions; 3) redirect all future Proposition 10 revenues to the State General Fund for the Healthy Families and Medi-Cal programs, subject to voter approval; and 4) direct that existing contracts and obligations of each commission shall be assumed by their respective county.

In November 1998, voters approved Proposition 10, the California Children and Families Act, which increased taxes on tobacco products to fund programs to improve the health and development of children from zero to five years of age and their families. Proposition 10 revenues generate over \$500.0 million annually for these services. This initiative also established the California and county Children and Families Commissions (First 5 Commissions) to administer these programs. The allocation of funding provides for 20.0 percent to the First 5 California Commission and 80.0 percent to county First 5 Commissions.

County First 5 Commissions are required to provide services in the following three areas: 1) child health; 2) child development; and 3) support to improve family outcomes. The commissions have the authority to develop initiatives and prioritize funding to meet the needs of young children and their families, which may include enhancing the quality of child care and development programs and funding health care services. If enacted, SB 486 would redirect all future Proposition 10 revenues to the State General Fund for the Healthy Families and Medi-Cal programs.

First 5 LA indicates that SB 486 would end all local programs funded by the First 5 Commissions and terminate the following services in Los Angeles County:

- Health care for approximately 4,000 children enrolled in the Healthy Kids Program;
- Early developmental screenings and interventions for approximately 478,000 pregnant women and children;
- Preschool programs for approximately 10,000 children; and
- Child abuse prevention programs.

The Department of Children and Family Services (DCFS) indicates that First 5 LA provides critical services and resources such as child care, preschool and child abuse prevention programs to families served by the Department. SB 486 would eliminate multiple services currently provided by First 5 LA, which are designed to meet the needs of the County's most vulnerable families and youngest children. These broader services include: prenatal care, health and nutrition programs, school readiness, developmental screenings and assessments, parental education and support, oral health services, family literacy, anti-obesity programs, school readiness programs and workforce development.

SB 486 is similar to County-opposed SB 1109 of 2010, SB 893 of 2007, SBx1 5 of 2007 and SBx3 16 of 2008. All of these measures failed to pass out of policy committees.

The Department of Children and Family Services and this office oppose SB 486. Therefore, consistent with Board policy to oppose legislation, which would shift Proposition 10 revenues from county First 5 Commissions, undermine local decision-making authority, and take Proposition 10 revenues away from families and young children, **the Sacramento advocates will oppose SB 486.**

SB 486 is opposed by First 5 LA. There is no registered support on file for this measure. Prior similar legislation was opposed by the First 5 Association of California, First 5 LA, California State Association of Counties, and numerous county boards of supervisors.

This measure is scheduled for a hearing on April 13, 2011 in the Senate Health Committee.

Status of County-Advocacy Legislation

County-opposed-unless-amended AB 6 (Fuentes), which as introduced on December 6, 2010, would eliminate the Statewide Fingerprint Imaging System (SFIS)

for cash assistance programs, change CalWORKs and CalFresh reporting requirements from a quarterly to a semiannual reporting period, and establish a utility assistance initiative for CalFresh beneficiaries, passed the Assembly Human Services Committee, with technical amendments, by a vote of 4 to 2 on April 5, 2011. AB 6 now proceeds to Assembly Appropriations Committee. The County opposes this measure unless amended to retain SFIS for cash assistance programs.

County-supported AB 25 (Hayashi), which as amended on March 25, 2011, would establish policies to mitigate the risk of concussions and head injuries for students participating in athletic activities, was placed on the Assembly Appropriations Committee's suspense file on April 6, 2011.

County-support-in-concept AB 73 (Feuer), which as amended on March 31, 2011, would create a four-year pilot project in three counties, including in Los Angeles County, to make dependency hearings presumptively open to the public unless an open proceeding is found not to be in the child's best interest, unanimously passed the Assembly Judiciary Committee by a vote of 10 to 0 on April 5, 2011. The measure now proceeds to the Assembly Human Services Committee.

As amended, AB 73 would: 1) create a four-year pilot program in three counties, including Los Angeles and Ventura counties, to test whether making dependency hearings presumptively open to the public might help to increase the accountability and transparency of the dependency court system; 2) require that the hearings be closed if it is not in the child's best interest to be open; 3) require the court to take appropriate action to keep personally identifiable information about the child or the child's sibling or parent confidential and to prevent release of that information in any court hearing open to the public; 4) define personally identifiable information as the first and last name, address, date of birth, social security, tribal enrollment number, telephone number, e-mail address, driver's license number, place or places of employment, school identification number, military identification number, or any other distinguishing characteristic that tends to identify a particular person; 5) require that the pilot program begins within one year of securing private funds to fund the entire project and evaluation; and 6) require an independent organization to conduct an evaluation and prepare a report to the Legislature of the results of the pilot project with a recommendation as to whether the project should be implemented on a statewide basis; among other provisions.

The Department of Children and Family Services and County Counsel indicate that the legislation needs to be amended to address the following changes for the pilot program to effectively work in the County: 1) conform the term "child's best interest" to Federal law which specifies the safety and well-being of the child, parents, and family, so

Federal funding is not potentially jeopardized; 2) broaden the term Child Welfare System to Juvenile Dependency and Child Welfare System as a whole; 3) include best practice innovations to help increase public awareness of the Child Welfare System; and 4) revisit the provision relating to the use of personal identifiers while still protecting the identity of the child and the child's family.

As reported in the March 31, 2011 Sacramento Update, the Sacramento advocates are pursuing a support-in-concept position on AB 73, instead of a support position at this time, because of the County's above requests for amendments. County staff will continue to work with the author's office on the recommended amendments.

AB 73 is supported by the Ventura County Board of Supervisors, California Protective Parents Association, Children's Advocacy Institute, the Judicial Council, Alliance for Children's Rights, and Association of Certified Family Law Specialists (in concept). This measure is opposed by California Youth Connection (unless amended); California Public Defenders Association; County Welfare Directors Association of California (unless amended); National Association of Social Workers, California Chapter; Service Employees International Union; and two law professors.

County-supported AB 298 (Brownley), which as amended on March 30, 2011, would prohibit a manufacturer or distributor from selling or distributing a reusable bag in California, unless: 1) the guidelines for cleaning and disinfecting the reusable bag are printed on the bag, or on a tag attached to the bag; and 2) it meets specified criteria, including it does not contain lead, cadmium, or any other heavy metal in toxic amounts, passed the Assembly Appropriations Committee by a vote of 12 to 5 on April 6, 2011. This measure now proceeds to the Assembly Floor.

County-support and amend AB 542 (Allen), which as introduced on February 16, 2011, would increase the number of housing opportunities by expanding the number of land sites deemed suitable for residential development that can accommodate some portion of the city's or county's regional housing need by income level, passed the Assembly Local Government Committee by a vote of 5 to 0 on April 6, 2011. This measure now proceeds to the Assembly Housing and Community Development Committee.

Legislation of County-Interest

SBx1 2 (Simitian), which as introduced on February 1, 2011 would, among other things, increase California's renewables portfolio standard (RPS) to require all retail sellers of electricity and all publicly owned utilities (POUs) to procure at least 33.0 percent of electricity delivered to their retail customers from renewable resources

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by 2020, passed the Assembly Floor by a vote of 55 to 19 on March 29, 2011. The measure is now on the Governor's Desk awaiting action.

Existing law requires retail sellers of electricity to achieve a 20.0 percent RPS by 2010 and establishes a process and standards for renewable procurement. If SBx1 2 is signed by the Governor, all retail sellers of electricity and POUs would have to meet the following renewable energy resources targets: 1) 20.0 percent by December 31, 2013; 2) 25.0 percent by December 31, 2016; and 3) 33.0 percent by December 31, 2010, and each year thereafter.

We will continue to keep you advised.

WTF:RA
MR:IGEA:sb

c: All Department Heads
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